UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,021	06/26/2001	Douglas P. Bogia	42390P10211	3409

7590 11/07/2006	EXAMINER
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ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,11,12,17-20,29,30 and 32-42* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4, 11, 12, 17-20, 29, 30 and 32-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Responsive to August 25, 2006. Claims 1, 4, 18, 29, 32, and 33 have been amended. Claims 1, 4, 11, 12, 17-20, 29, 30 and 32-42 remain pending further examination.

Response to Arguments

1.   Applicant's arguments have been fully considered but they are not persuasive.

 • In the remarks, the Applicant argues in substance

    Argument A: *Kim does not teach or suggest transmitting an electronic data file including a configuration change.*

    In response, the Examiner respectfully disagrees. Kim teaches that a user can reconfigure a remote server by access an application at an Internet server. The internet server then forwards the reconfiguration information to the server manger. The server manager communicates the configuration information to the intended server, which runs a daemon. The daemon then updates the configuration of the server. (See column 5, line 54-column 6, line 65). Therefore Kim meets the scope of the claimed limitation.

    Argument B: *Kim does not teach or suggest receiving, at the machine that generated the electronic file, a second electronic data file indicating whether or not the reconfiguration of the appliance was successful.*

    In response, the Examiner respectfully disagrees. Kim teaches that the server confirms to the user that the requested modification has been performed (column 8, line 39-41). In the remarks the Applicant asserts that the user is a different party than the server manager. The Examiner agrees that the user is different from the server manager. The Applicant further asserts that the same machine that generates the claimed electronic data file does not receive a second electronic data file indicating whether or not the reconfiguration of the appliance was

successful. The Examiner disagrees with this assertion. Kim clearly teaches that the server

manager sends the configuration information to the server (See column 8, line 9-14, column 6,

lines 23-51) and that a confirmation or error message is received by the server manager from

the server (column 8, lines 44-46). Therefore, Kim meets the scope of the claimed limitation.

> Argument C: *Neither Kim nor Smith teach that configuration information be entered using*
>
> *an application running on a machine and that the configuration is sent from the same*
>
> *machine to each of a group of appliances at substantially the same time to consistently*
>
> *configure the group of appliances.*

In response, the Examiner respectfully disagrees. Kim teaches that an interactive screen

display/control panel is provided to the user from the internet server (column 6, lines 7-17,

figure 3) to configure a single server or a plurality of server (column 8, lines 4-11). Kim further

teaches that although the devices are shown to be widely separated geographically, the internet

server, server manager and all devices may be directly connected (column 6, lines 57-65)

> Argument D: *Neither Kim nor Smith teach or suggest reconfiguring the appliance based*
>
> *on the configuration, when the appliance is idle.*

In response, the Examiner asserts it would have been obvious to one of ordinary skill in

the art to configure a device when idle because doing so would provide for a safe way to

configure the device. Reconfiguring parameters currently being used by the device would

interfere with currently executing processes.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter, which the applicant regards as his invention.

Claims 1, 4, 32, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. The terms " substantially" in independent claim 18 and claim

32 is a relative term, which renders the claim indefinite. The term "substantially" is not defined

by the claim, the specification does not provide a standard for ascertaining the requisite degree,

and one of ordinary skill in the art would not be reasonably apprised of the scope of the

invention. Claims 19, 20, and 38-39 depend on claim 18, therefore are rejected under the same

rationale as parent claim 18.

Claim Rejections – 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of
this subsection of an application filed in the United States only if the international application designated the
United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1, 29, 30, 32, 33, 40, and 42 are rejected under 35 U.S.C. 102(e) as being

anticipated by Kim et al (U.S. Patent No. 6,868,444).

5.   As per claim 1, Kim et al teach a method comprising:

generating, at a machine an electronic data file including a configuration change (column

6, lines 7-23; internet server 30);

transmitting the electronic data file including the configuration change to an appliance

the electronic data file to cause the appliance to be reconfigured based on the configuration

change (column 2, lines 45-55, column 6, lines 30-51, column 8, lines 9-11; server manager 32

communicates configuration information to the intended server); and

receiving at the machine a second electronic file indicating whether or not the

reconfiguration of the appliance was successful (column 8, lines 35-50).

6.   As per claim 29, Kim et al teach an article comprising:

a storage medium, which stores instructions, the instructions, when executed, causing

systems to: receive an electronic data file including a configuration change (column 2, lines 45-

55, column 6, lines 30-51, column 8, lines 9-11; server manager 32 communicates configuration

information to the intended server); and

reconfiguring an appliance selected from the group consisting of a router and a server

based on the configuration change included in the electronic data file, wherein said reconfiguring

the appliance comprises modifying a program (column 6, lines 48-51; daemon reconfigures web

server application).

7.   As per claim 30, Kim et al teach wherein the storage medium further comprises

instructions that when executed cause the systems to: decrypt the electronic data file (column 1,

lines 30-47).

8.   As per claim 32, Kim et al teach wherein said transmitting comprises transmitting to a

plurality of appliances at substantially the same time to keep the plurality of appliances

consistently configured.

9.   As per claim 33, Kim et al teach wherein said transmitting comprises transmitting to an

appliance selected from a router and a server, and wherein said generating comprises generating

an electronic file including a configuration change to reconfigure an application program.

10.   As per claim 40, Kim et al teach the instructions that when executed cause the systems

to modify the application program further comprises instructions that when executed case the

system to modify the operating system (column 4, lines 30-61, column 6, lines 30-51, column 8,

lines 35-50).

11.   As per claim 42, Kim et al teach the instructions when executed cause the system to

reconfigure the appliance further comprise instructions that when executed cause the system to:

reconfigure the appliance when the application is idle (abstract, column 2, lines 45-60, column 8,

lines 35-49).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

13.   Claims 4, 11, 12, 17, 18, 19, 20, 34-39 and 41 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Kim et al (U.S. Patent No. 6,868,444) in view of Smith et al (U.S. Patent

No. 6,785,015).

14.   As per claim 4, Kim et al teach encrypting the electronic data file prior to transmitting it

to the appliance (column 1, lines 30-47). Kim et al fail to teach wherein the electronic data file is

embedded in an email. However, Smith et al teach that email messages include commands and

requests to reconfigure a network device (abstract, column 2, lines 40-50). It would have been

obvious to one of the ordinary skill in the art to combine the teachings of Kim et al and Smith et

al because the use of email messages in Kim et al would allow for the reconfiguring of devices

behind firewalls since firewalls do not block email messages.

15.   As per claim 11, Kim et al teach a method comprising receiving an electronic data file

including configuration information at an appliance and reconfiguring the appliance based on the

configuration information (column 8, lines 35-49, column 6, lines 23-51, column 8, lines 4-15;

server manager forwards configuration information to intended server; daemon running on

intended server updates configuration of web server application). Kim et al fail to teach wherein

the electronic data file is an email. However, Smith et al teach that email messages include

commands and requests to reconfigure a network device (abstract, column 2, lines 40-50). It

would have been obvious to one of the ordinary skill in the art to combine the teachings of Kim

et al and Smith et al because the use of email messages in Kim et al would allow for the

reconfiguring of devices behind firewalls since firewalls do not block email messages. It would

have been further obvious to one of ordinary skill in the art to configure a device when idle

because doing so would provide for a safe way to configure the device. Reconfiguring

parameters currently being used by the device would interfere with currently executing

processes.

16.   As per claim 12, Kim et al teach decrypting the email (column 1, lines 30-47).

17.   As per claim 17, Kim et al teach sending a confirmation email indicating that the

appliance was reconfigured successfully (column 8, lines 35-50).

18.   As per claim 18, Kim et al teach a method comprising entering configuration information

from the machine using an application running on a machine (column 6, lines 7-17, figure 3; an

interactive screen display/control panel is provided to the user from the internet server);

        sending an electronic data file including configuration information for to each of a group

of appliances at substantially the same time to consistently configure the group of appliance

(abstract, column 2, lines 45-55, column 8, lines 4-11; can update configuration for a plurality of

servers). Kim et al fail to teach wherein the electronic data file is an email. However, Smith et al

teach that email messages include commands and requests to reconfigure a network device

(abstract, column 2, lines 40-50). It would have been obvious to one of the ordinary skill in the

art to combine the teachings of Kim et al and Smith et al because the use of email messages in

Kim et al would allow for the reconfiguring of devices behind firewalls since firewalls do not

block email messages.

19.   As per claim 19, Kim et al teach encrypting the configuration information in the email

(column 1, lines 30-47).

20.   As per claim 20, Kim et al teach the group of appliances authenticating the email and

reconfiguring the group of appliances based on the configuration information after authenticating

(abstract, column 2, lines 45-55).

21.   As per claim 34, Kim et al teach wherein said receiving the email at the appliance

comprises receiving the email at an appliance selected from a router and server (Figure 1).

22.   As per claim 35, Kim et al teach sending an electronic data file indicating whether or not

the reconfiguration was successful (column 8, lines 35-50).

23.   As per claim 36, Kim et al teach said reconfiguring the appliance comprises modifying an

application program (column 5, lines 35-51, column 8, lines 10-50).

24.   As per claim 37, Kim et al teach said modifying the application program comprises

modifying an operating system (column 4, lines 28-61, column 5, lines 20-column 6, lines 65).

25.   As per claim 38, Kim et al teach receiving an electronic data file indicating whether or

not reconfiguration of an appliance of the group was successful (column 8, lines 35-50).

26.   As per claim 39, Kim et al teach entering the configuration information comprises

entering configuration to modify an operating system of an appliance selected from a router and

a server (column 6, lines 30-65, Figure 3).

27.   As per claim 41, Kim et al teach wherein the storage medium further comprises

instructions that when executed cause the systems to: send an electronic file indicating whether

or not reconfiguration of an appliance of the group was successful (column 8, lines 35-50). Kim

et al fail to teach wherein the electronic data file is an email. However, Smith et al teach that

email messages include commands and requests to reconfigure a network device (abstract,

column 2, lines 40-50). It would have been obvious to one of the ordinary skill in the art to

combine the teachings of Kim et al and Smith et al because the use of email messages in Kim et

al would allow for the reconfiguring of devices behind firewalls since firewalls do not block email

messages.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date
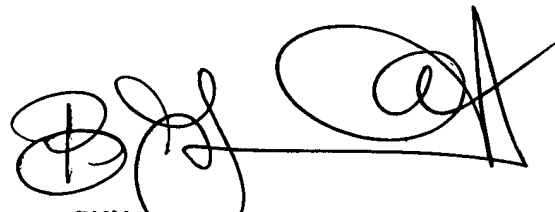
of this final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner

can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
Examiner
Art Unit 2152
November 1, 2006

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER